

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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JOHN M. BURTON,	:	
	:	
	:	Civil No. 05-2643 (JAP)
Plaintiff,	:	
	:	
v.	:	
	:	<b><u>OPINION</u></b>
DEVON BROWN, et al.,	:	
	:	
Defendants.	:	

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For the reasons expressed in the Opinion filed herewith,

IT IS on this 7<sup>th</sup> day of Sept, 2005,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted and the Clerk shall file the Complaint without prepayment of the filing fee; and it is further

ORDERED that the Complaint is DISMISSED for failure to state a claim upon which relief may be granted; and it is further

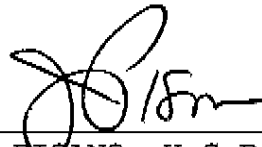
ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall forward a copy of this Order by regular mail to the Attorney General of the State of New Jersey and the warden of Northern State Prison; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$250.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1)(A), Plaintiff is assessed an initial partial filing fee equal to 20%

of the average monthly deposits to the Plaintiff's prison account for the six month period immediately preceding the filing of the Complaint; when funds exist, the New Jersey Department of Corrections shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is finally

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$250.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the New Jersey Department of Corrections shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action.

A handwritten signature in black ink, appearing to read 'JP/Sm', is written above a horizontal line.

JOEL A. PISANO, U.S.D.J.